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November 5, 2010

Environmental Protection Agency (EPA)
Water Docket, EPA, Mailcode: 2822T
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

NOV 09 2010

SUBJECT: The Virginia Watershed Implementation Plan (WIP) for the
Chesapeake Bay Total Maximum Daily Load (TMDL)

Dear Sir or Madam:

(1). The U. S. President's May 12, 2009, Chesapeake Executive Order (EO) 13508, Action Plan FY 2011, includes **only a brief section** on implementation and **accountability** efforts. The September 9, 2009, Federal Leadership Committee (FLC) **also failed** to explicitly (clearly, plainly express, or state transparently) define accountability instructions, goals, and/or their time-frames. The public needs **more definite accountability instructions** from the President and the FLC.

(2). The "Arc News" magazine, Fall 2010 article, "Chesapeake Bay Restoration Made Transparent to Public: Program Builds Web-Based Accountability Tool" stated that the success of the Maryland's Stat Web-based reporting and accountability (transparency) computer tools [established at the May 2009, Maryland Executive Council meeting] influenced the Chesapeake Bay Program (CBP) [federal government]

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implementation and accountability efforts to form a Chesapeake Stat team to create a similar computer tool. The Chesapeake Stat is built, in part, on the Arc GIS Server, and Arc GIS API for Flex. The Office of Inspector General (OIG) and auditors (federal, state, and/or local) **have not reviewed either** computer tool (state, and/or federal) to determine whether either is **inclusive (comprehensive, having a broad understanding, precise, beyond reproach and disgrace) or not**. There is **no assurance** whether this computer tool protects the public's interest, money, and/or communities. The public **definitely needs** the OIG and auditors to determine if this computer tool is:

- (a). **as transparent and accountable as it is so glamorously advertised.**
- (b). **as transparent as the title of the magazine article leads the public to believe.**
- (c). **if it is all-that inclusive, and precise.**

(3). The "**WIP**" to clean-up the Chesapeake Bay is relatively sound. The plan however **does not have** very-much independent over-sight of the "**WIP**". This lack of independent over-sight is also very-evident in many other expensive federal long-term projects. Lack of independent over-sight

is the norm in the three (3) governments (local, state, and/or federal). The
 OIG and/or auditors **are not mentioned** in the plan as over-seers **before,**
during, and/or after any critical-intervals to determine if the three (3)
 governments (federal, state and/or local) are complying with the plan. The
lack of having a strong presence (close-oversight) of the OIG and/or
auditors in the “**WIP**” is of great concern. The public **does not need** the
 OIG and auditors as a **last-minute (in-a-rush, hasty, and/or knee-jerk)**
adjustment (late addition, addendum, and/or amendment) to the “**WIP**”.
 The public needs the OIG and auditors mentioned **up-front and right-now**
 in the “**WIP**”. Why are the OIG and/or auditors **not mentioned** as a key-
 integral part in the “**WIP**”?

(4). There are medical (health) consequences when clean-water for
 recreation, drinking and other purposes **is not available**. Can citizens sue if
not having clean-water is linked to their medical problems?

(5). Lack of money **will undoubtedly be a factor** for the three (3)
 governments (local, state and/or federal) **not being able to comply** with the
 plan. At what point, will there be **monetary-consequences (penalties**
and/or fines) for not being able to comply? What will be the **monetary-**
consequences to each government for their failures? Will one state be able

to blame another state for their state **not being able to comply with “EPA” because of cross-pollution, cross-contamination, cross-dilution cross-spillage and/or residual pollution?**

(6). Enforcing the **“WIP”** is a matter that will definitely need the **“Federal Court”** system to resolve. The citizens will need **“Equal Access to Justice Act” (EAJA)** money and lawyers to enforce their rights and concerns. Why is this **not** in the **“WIP”**?

(7). **Documenting, cataloging, and storing (preserving detail)** the four (4) Science, Technology, Engineering, and Mathematics (STEM) teams **[the first (1st) STEM team]** procedures, notes, findings, unknowns, ambiguous-detail, possible-outcomes, solutions, and reports will play a vital-role in finishing the **“WIP”** before the EPA due date. Guidelines for **improved-science (new discoveries) and improved-monitoring data have not been addressed** in the **“WIP”**. **Passing on leads about problems and delimas** to other OIG and/or auditors is essential in multi-level and multiple-jurisdictions’ inspections and audits. Who will be the overseer (OIG and/or auditor) for the three (3) governments (local, state, and federal) overseeing the four (4) STEM teams documentation? How will the three (3) overseers

(local, state, and federal) use each other's "YEARLY" OIG and/or audit reports so as to **follow-up on leads** from each other's "YEARLY" reports?

(8). The "WIP" that will be presented at the 2012 year session of the Virginia General Assembly (legislative branch) **did not and perhaps will not outline** accountability (transparency), and over-sight (OIG and auditors). Useful and accurate bookkeeping and accounting records **have not been adequately-explained in-detail (in layman's terms and/or in Plain-English)** in the "WIP". This will be a problem as numerous audit findings and consulting reports have heavily-criticized many of the three (3) governments (local, state, and federal) expensive long-term projects. What **entity** at a higher/independent level will oversee the "WEEKLY" and/or "MONTHLY" bookkeeping and accounting reports of these three (3) governments (local, state, and federal)?

(9). STEM team (**the first (1st) STEM team**) records' and reports' **transparency (highly-visible and/or in plain-sight at all times)**, bookkeeping, and accounting records' **transparency** to the public has historically been a problem. At what intervals ("WEEKLY" and/or "MONTHLY") will these three (3) governments (local, state, and federal)

be mandated to present these records and reports on a timely basis to the public? And what will be the definition of timely?

(10). A **second (2nd) STEM team** of independent commercial and government scientist, technologist, engineers, and mathematicians (STEM) team needs to accompany (go-along with, and/or augment) the auditors, and OIG (6 independent overseers) to offer additional help (assist, provide written expert-opinions, and affirm/deny others' solutions to the development and implementation of the "WIP") is **definitely needed** to provide constant reviews of the numerous-volumes of paperwork that will be prepared and filed during this arduous and lengthy experimental, developmental, and operational process. Guidelines for **improved-science (new discoveries) and improved-monitoring data have not been addressed** in the "WIP". **Not having (leaving-out, omitting, and/or failing to include)** these six (6) independent overseers in the over-sight process would be a **wholesale-mistake, require multiple-trials and create unnecessary-errors**. The aforementioned needed corrections to the "WIP" will cost millions of dollars. If these aforementioned corrections **are not implemented**, the cost to the taxpayers will be in the **billions of additional dollars** to correct these **avoidable errors and mistakes**.

(11). The public needs as definite as possible an **assurance** (**guarantee, make certain, and/or make completely sure**) that protection and restoration of water-quality is at the top of the list of the “**WIP**” goals. A high expectation but within reason **no-holes-barred (at-all-cost)** **approach** should be adhered to as closely as possible. The public will definitely need “**YEARLY**” **public comment periods**.


(12). The U. S. President’s EO 13508, Action Plan FY 2011, and the FLC covers six (6) states (Delaware, Maryland, New York, Pennsylvania, West Virginia, and Virginia) and the District of Columbia (DC) [seven (7) governments]. The FLC **did not (failed to)** address over-sight collaboration (working together on scientific efforts) among the six (6) overseers [the four (4) STEM teams, OIG, and auditors] of the six (6) states and DC [seven (7) governments].

Please provide me a written answer in thirty (30) days.

My home telephone number is (804) 733-7309.

Thank you in advance for your assistance.

Sincerely,



Isaac Lynch, Jr.

cc:

- (1). Mayor Annie M. Mickens
- (2). Delegate Roslyn R. Dance
- (3). Senator Henry L. Marsh, III
- (4). Delegate Cooper Alexander, Chairman, Virginia Legislative
Black Caucus (VLBC)
- (5). Senator Mamie E. Lock, Secretary, VLBC
- (6). Representative Calvin Smyre, President, National Black Caucus of
State Legislators (NBCSL)
- (7). Congresswoman Barbara Lee, Chairwoman, Congressional
Black Caucus (CBC)
- (8). Congressman Robert "Bobby" C. Scott
- (9). Democratic National Committee (DNC) Chairman Tim Kaine
- (10). President Barack Obama